

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

ANTUANE D. DANIEL,)
)
Plaintiff,) CIVIL ACTION NO.
)
v.) 2:23cv618-MHT
) (WO)
ALABAMA CRIME VICTIMS)
COMPENSATION and DIR.)
EVERETTE, Ala. Crime)
Victims Attorney,)
)
Defendants.)

ORDER

This cause is now before the court on plaintiff's notice of appeal (Doc. 27).

28 U.S.C. § 1915(a) provides that, "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." In making this determination as to good faith, a court must use an objective standard, such as whether the appeal is "frivolous," *Coppedge v. United States*,

369 U.S. 438, 445 (1962), or "has no substantive merit." *United States v. Bottoson*, 644 F.2d 1174, 1176 (5th Cir. Unit B May 15, 1981) (per curiam); see also *Rudolph v. Allen*, 666 F.2d 519, 520 (11th Cir. 1982) (per curiam); *Morris v. Ross*, 663 F.2d 1032 (11th Cir. 1981). Applying this standard, this court is of the opinion that, for the reasons stated in the report and recommendation of the United States Magistrate Judge (Doc. 24), the plaintiff's appeal is without a legal or factual basis and, accordingly, is frivolous and not taken in good faith. See, e.g., *Rudolph v. Allen*, *supra*; *Brown v. Pena*, 441 F. Supp. 1382 (S.D. Fla. 1977), aff'd without opinion, 589 F.2d 1113 (5th Cir. 1979). As set forth in the recommendation, plaintiff repeatedly failed comply with court orders after being given ample opportunity to do so. He did not object to the recommendation. Moreover, his notice of appeal was

filed well after the 30-day deadline without an adequate excuse for his months-long delay.

Accordingly, it is ORDERED that the plaintiff's motion to proceed on appeal in forma pauperis is denied; and that the appeal in this cause is certified, pursuant to 28 U.S.C. § 1915(a), as not taken in good faith.

DONE, this the 11th day of February, 2025.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE